United Nations CEDAW/C/SLV/Q/8-9

Convention on the Elimination of All Forms of Discrimination against Women

Distr.. General
29 July 2016

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-sixth session
13 February-3 March 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of El Salvador

Visibility of the Convention and ratification of the Optional Protocol

1. In its report (CEDAW/C/SLV/8-9, paras. 32-37)[1] the State party describes measures taken within State institutions to raise awareness about the Convention. Please inform the Committee about activities to disseminate the Convention and the Committee's general recommendations to the general public, targeting women and their representative organizations, including rural women, women of African descent and indigenous women, women working in the maquiladora industry and migrant women. Please update the Committee on progress towards the ratification of the Optional Protocol to the Convention.

Legal status of the Convention and harmonization of laws

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, please indicate which discriminatory laws against women have been amended. Please provide information about the current status of the Convention in the State party and whether it can be directly applied by courts. For all areas of law, including family law, criminal law, civil law and labour law, please show where judges have invoked the provisions of the Convention in order to decide on cases before them. Please report about measures taken by the State party to bring its criminal legislation, especially the 1998 Criminal Code (Legislative Decree No. 1030), into line with the Convention

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

16-13282 (E) 150816

Please recycle

and indicate what steps are envisaged by the State party to review its legal provisions on the criminalization of abortion under any circumstances and the criminalization of "public employees or officials of any authority who fail to report crimes, such as abortion" (art. 312).

Equality and non-discrimination against women and intersecting forms of discrimination

3. Please indicate how the State party addresses intersecting forms of discrimination against women, such as through legislation and public policies designed to ensure the equality of women with men, including indigenous women, women of African descent, women with disabilities, asylum-seeking and refugee women, women living in precarious urban settlements and lesbian, bisexual, transgender and intersex women.

Access to justice and legal complaint mechanisms

4. Please provide information on the mechanisms and procedures available to women, including complaint mechanisms in cases of gender-based discrimination and the accessibility, the availability and the quality of legal counselling for women in all areas of law. The Committee specifically requests information about the number of women, disaggregated by age, who are subject to prosecution and conviction under the provisions of articles 133 to 137 of the Criminal Code on abortion. Information should be provided about the legal aid and counselling mechanisms available to them, including psychosocial redress. Please indicate what measures have been taken to protect women's human rights defenders against threats, intimidation and harassment. Information is also requested about the capacity-building programmes being provided to judicial authorities, legal professionals, police officers and civil servants at all levels involved in ensuring gender equality and the protection of women's rights.

5. The State party indicates the establishment of the centres Ciudad Mujer. Please provide additional information about those centres, including: (a) the type of services available to women; (b) the types of requests being made by women; (c) information, disaggregated by age, socioeconomic status and ethnic background, about women who have accessed such centres; and (d) measures aimed at providing accessibility for women and girls with disabilities. Please inform the Committee about allocations from the national budget for the implementation of the centres and on measures envisaged to extend coverage across the country.

National machinery for the advancement of women

6. Please provide information on the current institutional status, mandate and human and financial resources of the Salvadoran Institute for the Advancement of Women, indicating the proportion of the national budget allocated to it. What specific measures are being taken to coordinate policies and mechanisms at the central, the regional and the local levels in order to achieve comprehensive implementation of the Convention throughout the country, with full coverage for women of African descent, indigenous women, rural women, women with disabilities and young women? Please explain how the existing mechanisms of coordination between the Institute and all branches of government presently operate and inform the Committee about the active areas of work as defined by the

memorandum of understanding between the Office of the National Counsel for the Defence of Human Rights and the Institute.

Stereotypes and harmful practices

7. Please provide information about strategies to confront gender stereotypes and patriarchal attitudes that underpin discrimination and gender-based violence against women in schools, the family and society at large. As of 2015, the available information indicates that a total of 13,146 girls from 10 to 17 years of age had applied for prenatal care, and alternative sources have pointed towards a high rate of adolescent pregnancy. The Committee requests information about measures to prevent and reduce adolescent pregnancy and early, child and/or forced marriages, along with efforts to dislodge the singular attribution of women's role as mothers. Information is also requested about measures taken to prevent the stigmatization of women and girls who seek sexual and reproductive health-care services and counselling. The Committee further wishes to be informed about measures to sanction hate crimes against lesbian, bisexual, transgender and intersex women, including harassment by public officials, threats and other human rights violations in the context of internal displacement, as well as the measures being taken to confront gender-based stereotypes that encourage harm on the basis of sexual orientation.

Gender-based violence against women

8. Please provide information about the reasons for the low number of prosecutions and convictions in cases of feminicides compared with the number of cases reported, and identify the obstacles and the measures being taken to ensure that feminicides are promptly investigated and perpetrators identified and convicted. Information should be included about the current number of specialized units in different institutions, the personnel and the financial resources allocated to address cases of gender-based violence against women. The Committee wishes to be updated on priority measures taken to implement the specialized jurisdiction for crimes against women (para. 159). Please include information about strategies implemented under the provisions of the special comprehensive law on a life free of violence for women (2012) in order to prevent all forms of gender-based violence against women, the financial, human and technical resources allocated to such strategies and the indicators for monitoring implementation and achievements. Information should also be included about all those measures adopted by the State party to ensure that policies on security, specifically Plan El Salvador Seguro, address all forms of gender-based violence, including violence perpetrated by non-State actors (CEDAW/C/SLV/CO/7, para. 24).

9. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, highlighted cases of sexual violence against women and adolescents forced by members of gangs to enter prisons for sexual services. Please provide information about measures taken by the State party to monitor the situation in prisons and to prevent this form of violence against women, and inform the Committee about the number of convictions and measures of redress available to women who are victimized by this practice.

10. The Committee seeks additional, disaggregated information about support services, such as medical treatment, psychological counselling, legal assistance,

16-13282

financial support and shelters, that are available for women who are victimized by violence. There is particular concern for the scope of coverage of these services across the entire national territory, taking into consideration those women living in remote areas or in disadvantaged situations, including those living in precarious urban settlements and those who engage in prostitution. Please report about measures to strengthen the reach of the Special Fund for Women Victims of Violence and supply information about compensation already provided to women who have suffered gender-based violence.

Women and peace and security

11. The State party reports the establishment in 2014 of a national committee for the implementation of Security Council resolution 1325 (2000). Please indicate whether the State party has adopted an action plan for the implementation of the resolution and on the main programmes and plans in this context. Please indicate how women have been involved in discussions concerning the adoption of measures in the area of security. The Committee wishes to be informed about how gender equality has been incorporated into measures designed to rebuild the country and into the implementation of peacebuilding agreements, taking into consideration Security Council resolutions 1325 (2000) and 1820 (2008).

Trafficking and exploitation of prostitution

12. Please provide information about measures aimed at combating and preventing the trafficking and sexual exploitation of women and girls, including measures implemented through regional and international cooperation. The Committee wishes to be informed about the legislative and public policy framework in the area of trafficking, specifically on how the State party provides for the protection of women and girls victimized by trafficking and for the prosecution and conviction of traffickers. Please indicate those measures taken to provide information to the general public and to raise public awareness about trafficking and how women and unaccompanied girls who are at risk can gain access to protective mechanisms.

13. The Committee would like to review data on the number of complaints, investigations, prosecutions and convictions for exploitation of prostitution. Please also provide information on programmes to assist women who seek protection and wish to leave prostitution.

Participation in political and public life

14. The report provides information about the participation of women in elected offices and the highest levels of the judiciary. Alternative sources suggest that there is stagnation at 10 per cent of participation of women in local mayoral posts. Please provide information regarding the obstacles facing women in their participation at the local level. Additional information should be included about measures, including temporary special measures, to promote the access of women to high-level governmental positions in the executive, the judicial and the foreign service, including data on the percentage of women ambassadors and in international organizations. Please provide information about the electoral results achieved through implementation of article 37 of the law on political parties, which establishes a quota of 30 per cent participation of women on each party's list of candidates. The Committee also wishes to be informed about the strategies to strengthen leadership

skills among women and promote their engagement in the political arena through capacity-building programmes (CEDAW/C/SLV/CO/7, para. 28).

Education

15. The State party reports on the prohibition of any kind of gender discrimination in the educational system. Please inform the Committee about the implementation of those measures and the number of cases in which protection has been requested under its provisions. Disaggregated information should be provided about access to education and dropout rates among girls at all levels of education. What services are provided for pregnant adolescents to ensure that they remain in school? Please provide information about measures to revise textbooks so as to eliminate gender stereotypes and indicate whether age-appropriate sex and reproductive health education, with a gender perspective, is included in school curricula. Are there specific measures in place to avoid the concentration of women in the traditionally feminized fields of study?

Employment

16. The State party reported that the wage gap between women and men was 14.3 per cent in 2013 (para. 97). Please provide information about measures to close that gap in both the private and the public sectors. What measures are being taken to promote employment opportunities for women in the formal sector? The Committee also wishes to be informed about the situation of women domestic, migrant and rural workers and the mechanisms in place to protect their labour rights (CEDAW/C/SLV/CO/7, para. 32). What measures have been taken to promote equal shared parental responsibilities in family care so as to facilitate women's equal access to employment? Please indicate what measures have been taken to eradicate child labour, especially among girls, and to enforce legislation regarding the minimum working age (ibid., para. 34).

Health

17. Please report about access to health services, including sexual and reproductive health services, for women in rural areas. Please indicate what measures have been taken to address the impact of the criminalization of abortion on women of reproductive age, including its consequences for maternal mortality rates. What specific measures have been taken to protect pregnant women from the harmful effects of the Zika virus? Please report about measures to prevent and sanction perpetrators of obstetric violence against women and indicate what measures have been put in place to monitor medical practice in health-care centres and hospitals across the country. Information should be provided on access to contraceptives, including emergency contraception and modern family planning methods at no cost and without restrictions, especially for adolescents.

Economic empowerment of women

18. The State party reports about bank loans, mortgages and other forms of credit available to women. Please provide disaggregated information about the coverage of such programmes, especially for rural women and women living in precarious urban settlements. Information should be provided about the use and the results of women's access to loans, including the rate of successful monthly repayments and

16-13282

whether those loans facilitated women's business start-ups and increased economic autonomy. Are effective mentoring programmes in place for women who gain access to loans?

Rural women

19. The State party reports about the family farming plan by the Ministry of Agriculture and Livestock (para. 142). Please inform the Committee about measures taken by the State party to ensure women's equal access to loans and financial resources allocated by the Ministry. Please also inform the Committee about the participation of women in rural development programmes and the food value chain. Please report about measures aimed at recognition of land ownership and titling of property by rural women and data regarding women's ownership of property.

Disadvantaged women

20. Alternative sources report that internally displaced women, adolescents and girls remain in situations of risk. Please report about protection measures specifically aimed at internally displaced women in order to protect them against sexual violence, exploitation and kidnapping.

21. Please provide disaggregated data on the situation of women and girls with disabilities. What measures have been taken to ensure the rights of women and girls with disabilities under the Convention, in particular access to justice, as recommended by the Committee on the Rights of Persons with Disabilities (CRPD/C/CO/SLV/1, paras. 18 and 30 (d))?

Marriage and family relations

22. The Family Code permits individuals under 18 years of age to marry when an adolescent girl is pregnant or already has a child. Please indicate what measures are in place to protect girls and adolescents in those marriages and ensure that girls under 18 years of age are protected from forced marriage. What measures are being contemplated to amend the Code? Please provide information about the current legal means for dissolution of marriage and the mechanisms in place to protect the rights of women upon dissolution of marriage and/or de facto unions.